

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

FOX NEWS NETWORK, LLC  
1211 Avenue of the Americas  
New York, NY 10036,

FOX MEDIA LLC,  
10201 West Pico Boulevard  
Los Angeles, CA 90067, and

LAURA INGRAHAM,

Plaintiffs,

v.

JOHN DOES 1-10,

Defendants.

Civil Action No. 1:20-cv-00200

**VERIFIED COMPLAINT**

Plaintiffs Fox News Network, LLC, Fox Media LLC (collectively, “Fox News”), and Laura Ingraham (along with Fox News, the “Plaintiffs”) by counsel, allege as follows for their Verified Complaint against the Defendants, John Doe 1-10 (“Defendants”), seeking the disabling of a network of Internet scam websites that infringe upon Plaintiffs’ goodwill and valuable trademark rights and copyrights to sell counterfeit and potentially harmful skincare products.

**NATURE OF THE SUIT**

1. This is an action for trademark infringement, trademark counterfeiting, false designation of origin and false advertising under the Lanham Act, 15 U.S.C. §§ 1114(1) & 1125(a), copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.*, unfair competition under the Virginia Consumer Protection Act, Va. Code § 59.1-200, false advertising

under Va. Code § 18.2-216, and unauthorized use of a name or picture under Va. Code §§ 8.01-40 against Defendants John Doe 1-10.

2. Since its launch in 1996, consumers around the world have come to associate the FOX NEWS name as one of the most influential and recognized news brands in the world. A recent independent survey conducted by Brand Keys, ranked Fox News as the “most trusted” American television news brand in the United States.

3. Ms. Ingraham is not only a prominent host on Fox News, but also one of the leading conservative voices in the country and an icon in the media industry. Ms. Ingraham’s signature show on Fox News Channel, *The Ingraham Angle*, is consistently ranked in the top five cable news shows, averaging 3.3 million viewers per night in January 2020.

4. Fox News’ invaluable rights in the famous and distinctive FOX NEWS trademarks and Ms. Ingraham’s invaluable rights in her name and likeness have been deliberately infringed through Defendants’ unauthorized use of the FOX NEWS trademarks and copyrights and Ms. Ingraham’s name and likeness on fraudulent websites to entice consumers, including residents of this Court’s district, to purchase counterfeit and potentially harmful skincare products that are not authorized by or affiliated with Fox News or Ms. Ingraham.

5. Plaintiffs and the consuming public will suffer irreparable harm unless this Court acts swiftly to halt Defendants’ unauthorized and fraudulent use of the FOX NEWS trademarks and copyrights and Ms. Ingraham’s name and likeness.

### **PARTIES**

6. Plaintiff Fox News Network, LLC is a limited liability company organized and existing under the laws of Delaware with a principal place of business at 1211 Avenue of the

Americas, New York, NY 10036. Fox News Network, LLC is a licensee of the FOX NEWS trademarks.

7. Plaintiff Fox Media LLC is a limited liability company organized under the laws of Delaware having an address of 10201 West Pico Boulevard, Los Angeles, CA 90067. Fox Media LLC is the owner of the FOX NEWS trademarks.

8. Plaintiff Laura Ingraham is an individual resident of Washington, DC. Ms. Ingraham, was, and is, the rightful owner of common law trademark rights in the LAURA INGRAHAM trademark.

9. Defendants John Doe 1-10 are a person or persons of unknown identity who promote and operate the internet skincare product scam that misuses the FOX NEWS and LAURA INGRAHAM trademarks along with Ms. Ingraham's name and likeness, without authorization, to sell skincare products that are not manufactured by, distributed by, authorized by, or otherwise affiliated with Fox News or Ms. Ingraham.

### **JURISDICTION, VENUE AND JOINDER**

10. This Court has original jurisdiction over Plaintiffs' Lanham Act claims under 15 U.S.C. §§ 1121(a), 1125(d) and 28 U.S.C. §§ 1331 and 1338(a). This Court has original jurisdiction over Fox News' Copyright Act claims under 17 U.S.C. §101 *et seq.* and 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has supplemental jurisdiction over Plaintiffs' state law claims under 28 U.S.C. § 1367.

12. The Court has *in personam* jurisdiction over Defendants John Doe 1-10 because Plaintiffs' claims against Defendants for trademark infringement, trademark counterfeiting, false designation of origin, false advertising, copyright infringement, unfair competition, and

unauthorized use of a name or picture are based on Defendants' misuse of the FOX NEWS and LAURA INGRAHAM trademarks along with Ms. Ingraham's name and likeness to market and sell counterfeit products purported to be affiliated with Ms. Ingraham and/or Fox News through use of instrumentalities in this district, which were visited by people in this district, and subsequently sold and shipped by Defendants to consumers in this district

13. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in this district.

### **FOX NEWS' RIGHTS**

14. Fox News is one of the world's preeminent news organizations. It is engaged in the business of creating and producing original television programming and content, gathering news and information, and telecasting, publicly performing, publicly displaying, licensing and otherwise distributing its copyrighted and trademarked programming and content.

15. Since October 1996, Plaintiffs have operated a 24-hour all-encompassing news service dedicated to delivering breaking news as well as political and business news. A top five cable network, Fox News has been the most watched news channel in the country for more than ten years and, according to Brand Keys, is the most trusted television news source in the country.

16. Fox News is available in over 80 million U.S. households. In 2019, Fox News averaged 2.5 million viewers per night, making it the most-watched channel on basic cable.

17. As part of its news services, Fox News operates an Internet website located at [www.FoxNews.com](http://www.FoxNews.com).

18. Additionally, Fox News promotes its products and services throughout the United States and the world under its FOX NEWS and FOX NEWS CHANNEL formative marks including word marks and design marks (collectively the "FOX NEWS Marks"). This includes

Fox News' use of the FOX NEWS word mark in its domain name FoxNews.com, as well as Fox News' use of the FOX NEWS Marks throughout its website in association with the FOX NEWS brand.

19. Fox News uses the FOX NEWS Marks to indicate the source of its high-quality news and information related products and services, and consumers have come to distinguish Fox News' goods and services as a result of the use and widespread promotion of the FOX NEWS Marks.

20. The FOX NEWS Marks are entitled to common law trademark rights.

21. The FOX NEWS Marks are famous and/or distinctive throughout the United States and the world in connection with Fox News' products and services.


22. The FOX NEWS word marks are registered around the world including on the Principal Trademark Register of the U.S. Patent and Trademark Office. Following is a representative sampling of Fox News' U.S. federal trademark registrations for the FOX NEWS word marks.








REG. NO.	MARK	REG. DATE	REGISTERED SERVICES
2469849	FOXNEWS.COM	July 17, 2001	providing on-line information in the fields of news and entertainment via a global communications network
2708769	FOX NEWS	Apr. 22, 2003	television broadcasting services
2697433	FOX NEWS	Mar. 18, 2003	entertainment services in the nature of television news programming
5170377	FOX NEWS	Mar. 28, 2017	downloadable mobile software applications for mobile communication devices for use in distribution of digital video, video files, video, and multimedia content; software for receiving, streaming, searching, accessing and reviewing audiovisual and multimedia content via the internet, mobile digital electronic devices, communications networks and wireless telecommunications networks
5170376	FOX NEWS	Mar. 28, 2017	downloadable mobile software

	RADIO		applications for mobile communication devices for use in distribution of audio and audiovisual files and multimedia content; software for receiving, streaming, searching, accessing and reviewing audiovisual and multimedia content via the internet, mobile digital electronic devices, communications networks and wireless telecommunications networks
5153634	FOX NEWS HEADLINES 24/7	Mar. 07, 2017	radio broadcasting services
3396098	FOX NEWS TALK	Mar. 11, 2008	radio transmission services
3628862	FOX NEWS TALK	May 26, 2009	radio programming; entertainment services in the nature of production and distribution of radio programs; on-line information in the field of news via the internet
2172925	FOX NEWS CHANNEL	Jul. 14, 1998	broadcasting services, namely, a television news channel
2154239	FOX NEWS CHANNEL	Apr. 28, 1998	entertainment services in the nature of television programing
2083588	FOX NEWS SUNDAY	Jul. 29, 1997	entertainment services in the nature of an on-going television news program

23. A true and correct copy of a representative sample of U.S. trademark registrations owned by Fox News for the FOX NEWS word marks is attached hereto as Exhibit A.

24. Fox News has also registered several stylized design marks with the United States Patent and Trademark Office for use in connection with its FOX NEWS branded products and services. Following is a representative sampling of Fox News' U.S. federal trademark registrations for the FOX NEWS design marks.

REG. NO.	MARK	REG. DATE	REGISTERED SERVICES
2159608		May 19, 1998	broadcasting services, namely, a television news channel

2162714		Jun. 02, 1998	entertainment services in the nature of television programming
2697434		Mar. 18, 2003	television broadcasting services
2697436		Mar. 18, 2003	entertainment services in the nature of television news programming
2882856		Sep. 07, 2004	jackets; wind resistant jackets; t-shirts; sport shirts; sweatshirts; hats; caps; neckties
3336682		Nov. 13, 2007	radio programming; entertainment services in the nature of production and distribution of radio programs; on-line information in the field of news via the internet
3336683		Nov. 13, 2007	radio transmission services
5185099		Apr. 18, 2017	downloadable mobile software applications for mobile communication devices for use in distribution of digital video, video files, video, and multimedia content; software for receiving, streaming, searching, accessing and reviewing audiovisual and multimedia content via the internet, mobile digital electronic devices, communications networks and wireless telecommunications networks

25. A true and correct copy of a representative sample of U.S. trademark registrations owned by Fox News for the FOX NEWS design marks is attached hereto as Exhibit B.

26. Several of Plaintiffs' registered FOX NEWS Marks have obtained incontestable status pursuant to 15 U.S.C. § 1065.

27. Plaintiffs' incontestable federal registrations for the FOX NEWS Marks are *conclusive* evidence of the validity of the marks, of Fox News' ownership of the marks, and of

Fox News' exclusive right to use the marks in U.S. commerce.

28. Fox News also owns all rights, title, and interest in a copyright protected photograph of Fox News personality Laura Ingraham entitled Laura-Ingraham-Promo-100217-0092331.jpg and attached hereto as Exhibit C (the "Ingraham Promotional Photo").

29. The Ingraham Promotional Photo is registered with the U.S. Copyright Office under Registration No. VA0002191973.

### **LAURA INGRAHAM'S RIGHTS**

30. Laura Ingraham is an internationally acclaimed author, speaker, television personality, and radio host who, over the past 25 years, has become one of the leading conservative voices in media.

31. Ms. Ingraham hosts a nightly program on Fox News Channel, *The Ingraham Angle*, that is consistently ranked among the top five cable news shows. In January 2020, *The Ingraham Angle* averaged 3.3 million viewers each day. While working for Fox News, Ms. Ingraham has interviewed several notable political figures across the political spectrum.

32. In addition to her nightly program on Fox News Channel, Ms. Ingraham also co-hosts a weekly program, *Laura and Raymond*, on the Fox Nation streaming service.

33. Ms. Ingraham has also established extensive name recognition through her activities independent of Fox News. From 2001–2018, Ms. Ingraham hosted a nationally syndicated radio program, *The Laura Ingraham Show*, which aired on 306 stations and XM Satellite radio, and which ranked in the top 10 in the United States in terms of listenership. Her success earned her the reputation as "the most listened-to woman in political talk radio" and one of the most important talk show hosts in America. Ms. Ingraham has also hosted a podcast, *The*



*Laura Ingraham Podcast*, and is the critically acclaimed author of several bestselling books, including *The Obama Diaries*, *Power to the People*, *Shut Up & Sing*, and *The Hillary Trap*.

34. Additionally, Ms. Ingraham owns and operates [lauraingraham.com](http://lauraingraham.com), which promotes and distributes all aspects of Ms. Ingraham's brand.

35. Ms. Ingraham, together with Fox News and her other employers and distributors, have expended significant amounts on advertising over the past 25 years to promote and market the Laura Ingraham name as a reputable source for news, information, and commentary.

36. Ms. Ingraham has been the subject of extensive media coverage, including profiles in *The New York Times Magazine*, *Esquire*, *TV Guide*, *Vanity Fair*, *the Boston Globe Magazine*, and *the National Law Journal*. She has also garnered substantial unsolicited media coverage in publications including *The Atlantic*, *The Daily Beast*, *Politico*, *Newsweek*, *CNN*, and *The Washington Post*.

37. Consumers continually look to Ms. Ingraham for her views and advice as demonstrated by her 3.1 million Twitter followers and 1.3 million Facebook followers.

38. Through Ms. Ingraham's use of her name for over two decades in affiliation with her commercial activities as a conservative author, speaker, television personality, and radio host consumers have come to identify the Laura Ingraham name to represent a certain high-quality and distinct brand of conservative media.

39. Therefore, Ms. Ingraham has acquired common law trademark rights in the Laura Ingraham trademark (the "LAURA INGRAHAM Mark").

#### **DEFENDANTS' UNLAWFUL ACTS**

40. Beginning in 2019, Plaintiffs became aware of several Internet websites that falsely claimed that Ms. Ingraham was leaving Fox News to develop a skincare product.

41. A webpage displayed at the url: [https://www.eonline.com/!current.page/lp/skin/Landers/us\\_skin\\_today\\_news\\_LauraIngraham/index.html?lpkey=1579718586d487b187&trkdomain=abouthealh.com&prod\\_name=Stella%20Mason&prodexit=2&showbar=1&ucllick=lp8rqd](https://www.eonline.com/!current.page/lp/skin/Landers/us_skin_today_news_LauraIngraham/index.html?lpkey=1579718586d487b187&trkdomain=abouthealh.com&prod_name=Stella%20Mason&prodexit=2&showbar=1&ucllick=lp8rqd) (the “First Infringing Website”) featured the headline, “Laura Ingraham Sparks New controversy on Fox News Show.” The First Infringing Website featured two photographs of Ms. Ingraham, including the Ingraham Promotional Photo, along with one of the FOX NEWS Marks.

42. Following is a screen capture of the First Infringing Website:



43. The text of the First Infringing Website falsely stated that Ms. Ingraham was “walking away from her television career . . . to focus on this once in a lifetime opportunity” selling skincare products.

44. The First Infringing Website directly linked Ms. Ingraham to the skincare

product, saying Ms. Ingraham “has spent the past two years developing” the product, “Stella Mason,” and included a fictitious quote purporting to be from Ms. Ingraham.

45. The First Infringing Website included numerous links to <https://abouthealh.com/click.php?lp=1>, which, on information and belief, offered for sale counterfeit products purportedly associated with Ms. Ingraham and Fox News.

46. The products sold through the First Infringing Website are not manufactured by, sold by, endorsed by, or otherwise associated with Ms. Ingraham or Fox News.

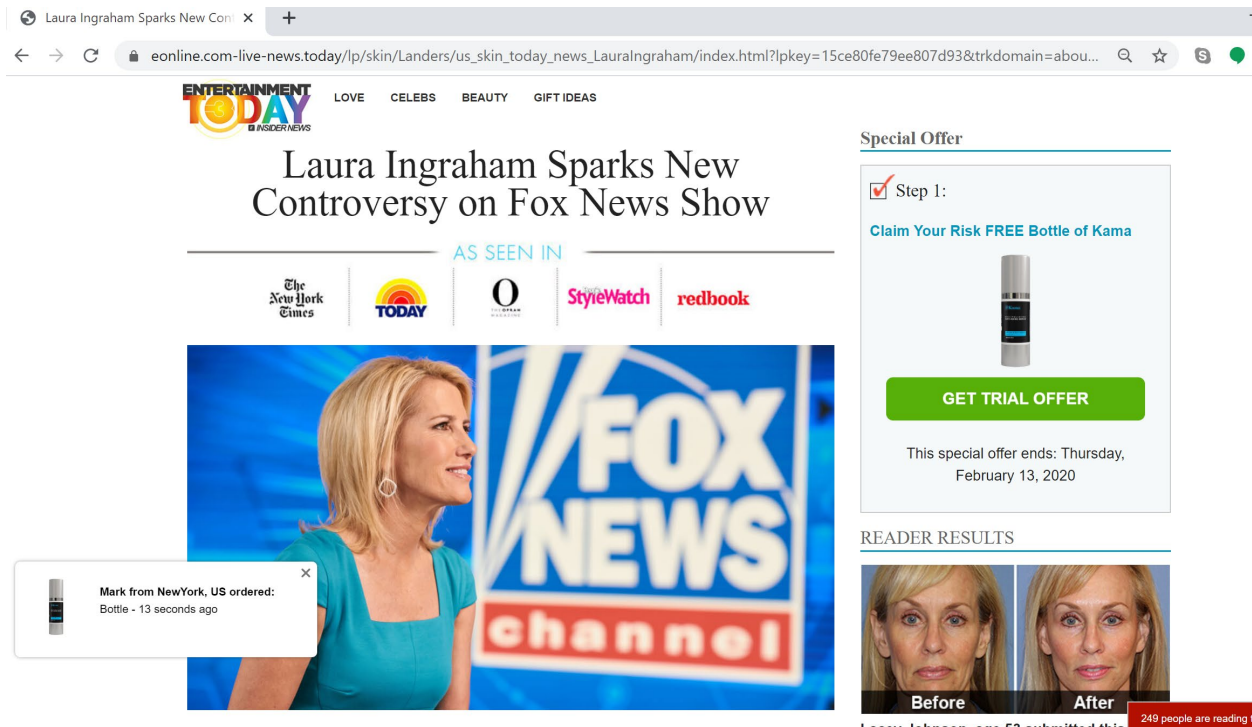
47. On information and belief, the portion of the referral domain name “click.php?lp=1” constituted a tracking link allowing the operator of the website abouthealh.com to track the number of sales generated from the First Infringing Website and compensate the operator of the First Infringing Website for such sales.

48. A webpage displayed at the url: [https://www.eonline.com-live-news.today/lp/skin/Landers/us\\_skin\\_today\\_news\\_LauraIngraham/index.html?lpkey=15ce80fe79ee807d93&trkdomain=abouthealh.com&prod\\_name=Kama&showbar=1&prodexit=1&backinter=0&uclick=yda6qddz](https://www.eonline.com-live-news.today/lp/skin/Landers/us_skin_today_news_LauraIngraham/index.html?lpkey=15ce80fe79ee807d93&trkdomain=abouthealh.com&prod_name=Kama&showbar=1&prodexit=1&backinter=0&uclick=yda6qddz) (the “Second Infringing Website”) featured the headline, “Laura Ingraham Sparks New controversy on Fox News Show.” The Second Infringing Website featured two photographs of Ms. Ingraham, including the Ingraham Promotional Photo, along with one of the FOX NEWS Marks.

49. The webpage displayed at the Second Infringing Website was nearly identical to the webpage displayed at the First Infringing Website, including the repeated use of Ms. Ingraham’s name and the use of the Ingraham Promotional Photo and one of the FOX NEWS Marks. The only noticeable difference between the First Infringing Website and the Second

Infringing Website was that all of the references to “Stella Mason” on the First Infringing Website were substituted for “Kama” on the Second Infringing Website.

50. Following is a screen capture of the Second Infringing Website:



51. The Second Infringing Website included links to the same url, <https://abouthealh.com/click.php?lp=1>, as the First Infringing Website, which, on information and belief, offered for sale counterfeit products purportedly associated with Ms. Ingraham and Fox News.

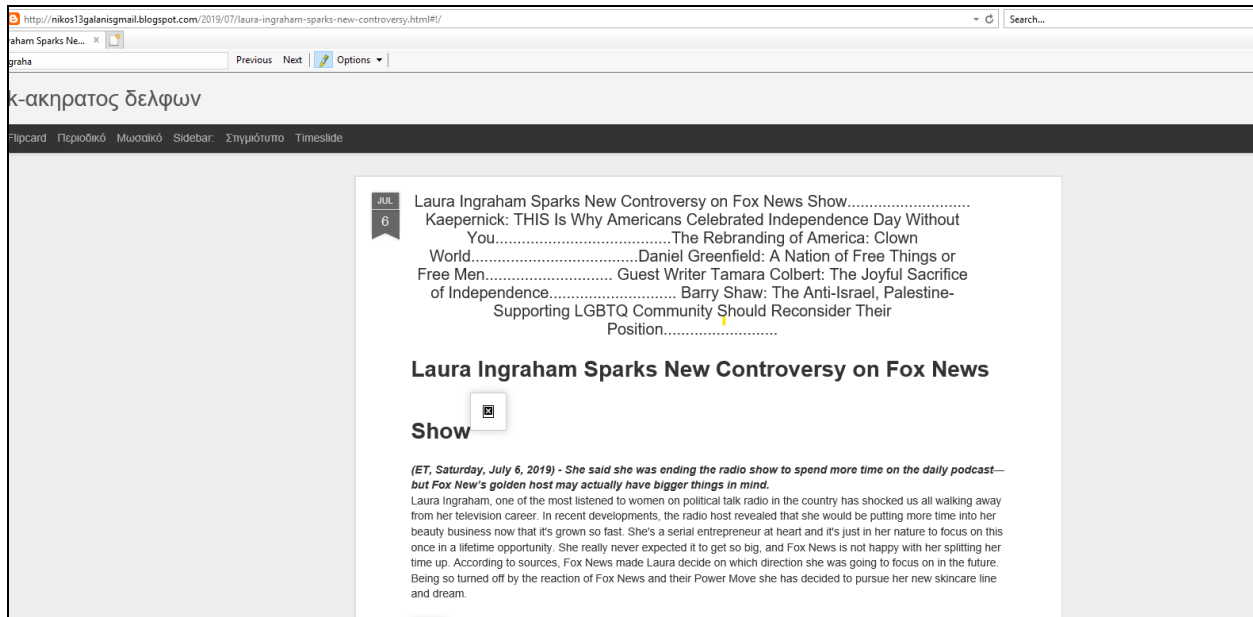
52. Plaintiffs’ investigator accessed the First Infringing Website from a computer in this district, was routed to the Eonline website, and then purchased such counterfeit products from the Eonline website.

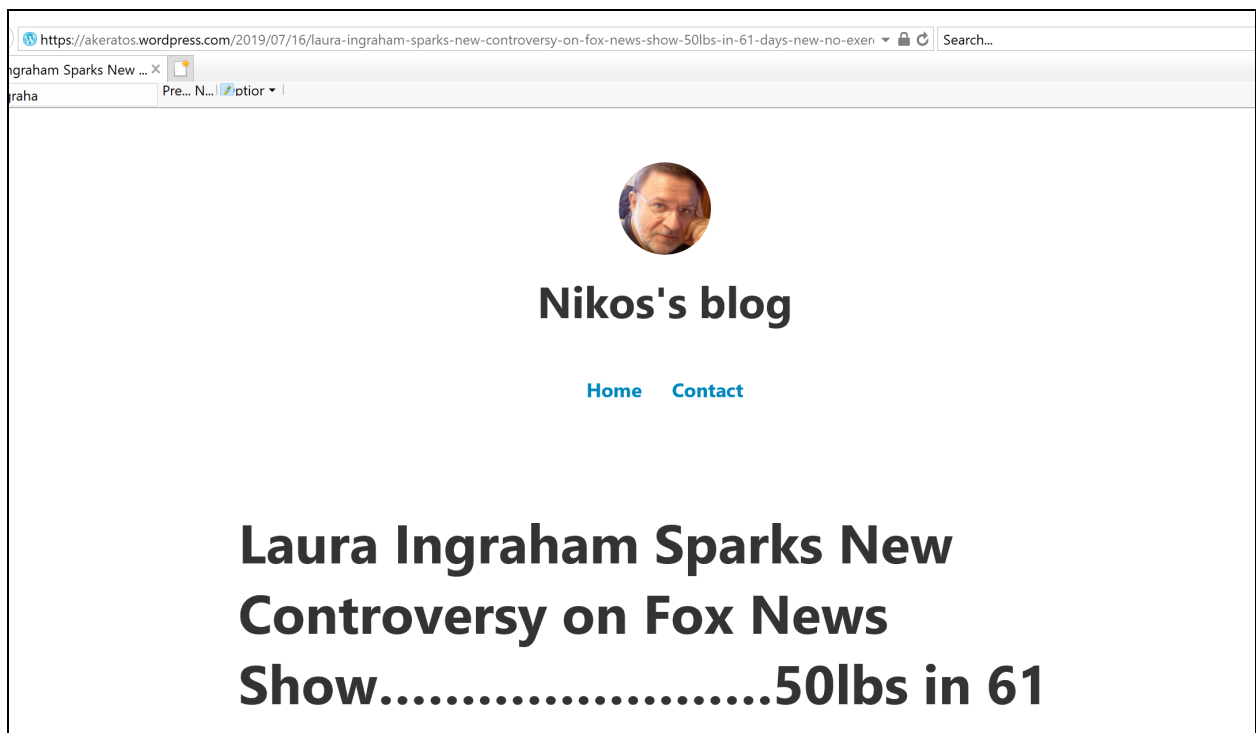
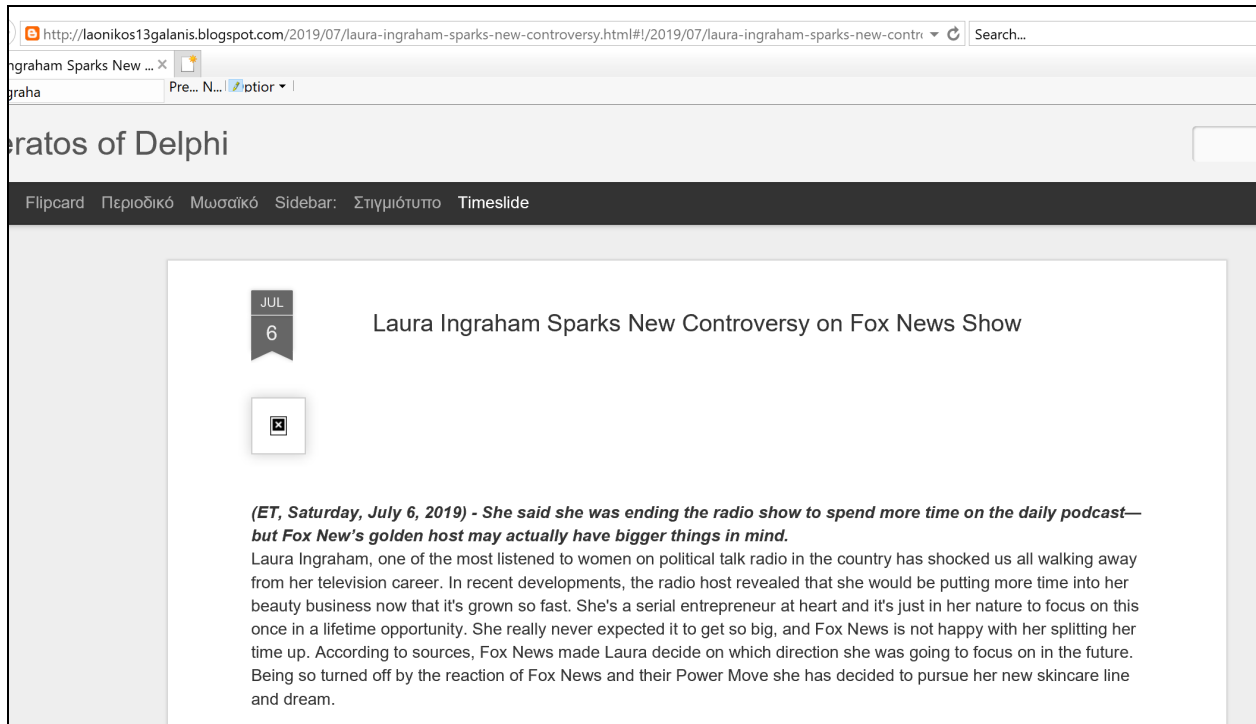
53. Defendants shipped the counterfeit products to an address in this district.

54. On information and belief, the First Infringing Website, the Second Infringing Website, and the website at the domain name <https://abouthealh.com/click.php?lp=1> are owned

and/or operated by Defendants, but Defendants have concealed their association with these sites through use of a private registration service.

55. Defendants have also used blog posts, fake press releases, and social media posts featuring the same and/or highly similar headline, article, and the FOX NEWS Marks and LAURA INGRAHAM Mark to promote and sell the referenced skin care product(s):





https://prmwire.com/press-releases/2C89AD598-Esotique-XV-an-All-Natural-Anti-Wrinkle-Cream-is-Launched-by-Chamonix

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## Esotique XV, an All-Natural Anti-Wrinkle Cream, is Launched by Chamonix

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*Sean Hannity, a Radio and Television Host, has Signed on as a Spokesperson for the New Skincare Cream*

The founders of Chamonix, a line of skin care, hair care and other natural products, are pleased to announce the launch of a revolutionary new skin care product called Esotique XV.

To learn more about Esotique XV and read a review of the innovative anti-wrinkle cream, please visit <https://www.healthynewstrends.com/esotique-xv-review/>.

As a spokesperson for Chamonix noted, even though Esotique XV is a relatively new product, it is already creating quite a buzz among customers and celebrities alike. Sean Hannity, an American radio and television host and author, recently signed on as a spokesperson for the product, as have Mark Levin, Michael Savage, and Laura Ingraham.

One of the many things that helps to set Esotique XV apart from the skin care cream competition is its unique formulation. Esotique XV incorporates Plant Stem Cell technology along with peptides, hyaluronic acid, CoQ10 and an Enzyme Activation group that includes vitamins B3 and B6 to help moisturize and nourish the skin.

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Neal Houston, PhD ★★★★★  
@DrNealHouston

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According to sources, Fox News made Laura decide on which direction she was going to focus on in the future. Being so turned off by the reaction of Fox News and their Power Move she has decided to pursue her new skincare line and dream.

11:45 AM - 9 Jul 2019

1 Retweet 7 Likes

Joe

pamela russell krick @pamelakrick · Jul 9

Replying to @DrNealHouston

I doubt this

4 more replies

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Neal Houston, PhD ★★★★★  
@DrNealHouston

THE CONSERVATIVE DOC | KAG   
Unapologetic | MAGA | US Army Vet-91B |  
Sociology • Researcher | Now Enjoying  
Retirement | Political Commentator | MOAQN  
AABE

**COUNT ONE:**  
**(Trademark Counterfeiting)**

56. Plaintiffs repeat and reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

57. Defendants are intentionally and knowingly using counterfeit versions of the FOX NEWS Marks in connection with the sale, offering for sale and/or distribution of counterfeit products.

58. Defendants have used spurious designations that are identical with, or substantially indistinguishable from, the FOX NEWS Marks on goods and/or services covered by the federal registrations for such marks.

59. Defendants have used these spurious designations knowing they are counterfeit in connection with the advertisement, promotion, sale, offering for sale and distribution of goods and/or services.

60. Defendants' use of the counterfeit FOX NEWS Marks on fraudulent websites to advertise, promote, offer for sale, distribute and sell goods and/or services was, and is, without the consent of Fox News.

61. Defendants' unauthorized use of the counterfeit FOX NEWS Marks on fraudulent websites in connection with advertisement, promotion, sale, offering for sale and distribution of goods and/or services constitutes use of the FOX NEWS Marks in commerce.

62. Defendants' unauthorized use of the FOX NEWS Marks as set forth above is likely to: (a) cause confusion, mistake and deception; (b) cause the public to believe that the products and/or services sold by Defendants are authorized, sponsored or approved by Fox News or that Defendants are affiliated, connected or associated with or in some way related to Fox News; and (c) result in Defendants unfairly benefiting from Fox News' advertising and



promotion and profiting from the reputation of Fox News and the FOX NEWS Marks all to the substantial and irreparable injury of the public and Fox News for which monetary relief will not suffice.

63. The aforesaid acts by Defendants constitute willful trademark counterfeiting in violation of Sections 32 and 34 of the Lanham Act, 15 U.S.C. § 1114 and 1116(d)(1).

**COUNT TWO:**  
**(Trademark Infringement)**

64. Plaintiffs repeat and reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

65. Defendants are using the LAURA INGRAHAM Mark and FOX NEWS Marks in commerce and have no valid rights in the LAURA INGRAHAM Mark and FOX NEWS Marks.

66. Defendants have actual and/or constructive notice, pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072, of the existence of Fox News' superior rights in its FOX NEWS Marks by reason of the existence of Fox News' aforementioned federal trademark rights.

67. Use of the LAURA INGRAHAM Mark and FOX NEWS Marks by Defendants is without the permission or authorization of Ms. Ingraham or Fox News.

68. The aforesaid acts by Defendants have caused and/or are likely to cause confusion, mistake and/or deception among consumers and the public, leading the public falsely to believe that the products advertised and sold by Defendants are those of, are sponsored or approved by, or are in some way connected with Laura Ingraham and/or Fox News.

69. The aforesaid acts by Defendants constitute direct infringement of Laura Ingraham and Fox News' trademark rights in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114.

70. The aforesaid acts have caused, and are causing, great and irreparable harm to Ms. Ingraham, Fox News, and the public. The harm to Ms. Ingraham and Fox News includes harm to the value and goodwill associated with the LAURA INGRAHAM Marks and FOX NEWS Marks for which monetary relief will not suffice. Unless permanently restrained and enjoined by this Court, said irreparable harm will continue.

**COUNT THREE:**  
**(Copyright Infringement)**

71. Fox News repeats and realleges each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

72. Fox News is the author and owner of certain copyright protected pictorial or graphic works (the “Fox News Works”).

73. The Fox News Works include, without limitation, the Fox News and Fox News Channel logos and the Ingraham Promotional Photo.

74. At all times relevant hereto, Fox News has been and still is the owner and proprietor of all right, title, and interest in and to the Fox News Works.

75. The Fox News Works contain creative material wholly original to Fox News and are copyrightable subject matter under the copyright laws of the United States.

76. Defendants have infringed and continue to infringe Fox News’ copyrights by copying, distributing, altering, and/or displaying the Fox News Works through the fraudulent websites.

77. Such copying, distributing, altering, and/or displaying of the Fox News Works was done by Defendants without the consent, approval, or license of Fox News.

78. The foregoing actions of Defendants have been knowing, deliberate, willful, and in utter disregard of Fox News’ rights.

79. The above acts by Defendants violate Fox News' exclusive rights under § 106 of the Copyright Act, 17 U.S.C. § 106, and constitute willful infringement of Fox News' copyrights under § 501 of the Copyright Act, 17 U.S.C. § 501.

80. The aforesaid acts have caused, and are causing, great and irreparable harm to Fox News for which monetary relief will not suffice. Unless permanently restrained and enjoined by this Court, said irreparable harm will continue.

**COUNT FOUR:**  
**(False Designation of Origin)**

81. Plaintiffs repeat and reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

82. The copying and/or use by Defendants of the LAURA INGRAHAM Mark and FOX NEWS Marks and of Ms. Ingraham's name and likeness constitute a false designation of origin that wrongly and falsely designates that goods marketed and sold by Defendants now, or in the future, originate from or are connected with, authorized by, or otherwise associated with Fox News and/or Ms. Ingraham.

83. The above acts by Defendants constitute false designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

84. The foregoing actions of Defendants have been knowing, deliberate, willful, and in utter disregard of Plaintiffs' rights.

85. The foregoing actions of Defendants have caused great and irreparable injury to Plaintiffs and, unless said acts are enjoined by this Court, said acts will continue and Plaintiffs will continue to suffer great and irreparable injury for which monetary relief will not suffice.

**COUNT FIVE:**  
**(False Advertising)**

86. Plaintiffs repeat and reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

87. The use by Defendants of the LAURA INGRAHAM Mark and/or the FOX NEWS Marks are literal false or misleading representations of fact that products sold by Defendants are sponsored by, approved by, or certified by Ms. Ingraham and/or Fox News in a commercial advertisement about Defendants product(s).

88. Defendants are using this false representation in order to influence consumer's purchasing decisions by using Ms. Ingraham's and/or Fox News widespread popularity.

89. By operating the fraudulent websites that are accessible throughout the United States, Defendants placed the false or misleading statement into interstate commerce.

90. The above acts by Defendants constitute false advertisements in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

91. The foregoing actions of Defendants have been knowing, deliberate, willful, and in utter disregard of Plaintiffs' rights.

92. Defendants' conduct has caused irreparable damage to Plaintiffs' business, reputation and, unless said acts are enjoined by the Court, said acts will continue and Plaintiffs will continue to suffer great and irreparable injury for which monetary relief will not suffice.

**COUNT SIX:**  
**(Virginia Unfair Competition)**

93. Plaintiffs repeat and reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

94. Defendants are misrepresenting to consumers that the goods provided by Defendants are the goods of Ms. Ingraham and/or Fox News in violation of VA Code §59.1-200(A)(1).

95. Defendants are misrepresenting to consumers that Defendants' goods are sponsored by, approved by, or certified by Ms. Ingraham and/or Fox News or that Ms. Ingraham and/or Fox News are a source of such goods in violation of VA Code § 59.1-200(A)(2).

96. Defendants are misrepresenting to consumers that Defendants' goods are affiliated, connected, or associated with Ms. Ingraham and/or Fox News in violation of VA Code § 59.1-200(A)(3).

97. Defendants are misrepresenting to consumers that Defendants' goods are similar to those of Ms. Ingraham and/or Fox News in terms of standards, quality, grade, style, or model in violation of VA Code § 59.1-200(A)(6).

98. Defendants' conduct is in violation of VA Code § 59.1-200(A)(14).

99. The foregoing actions of Defendants have caused great and irreparable injury to Plaintiffs and, unless said acts are enjoined by this Court, said acts will continue and Plaintiffs will continue to suffer great and irreparable injury for which monetary relief will not suffice.

**COUNT SEVEN:**  
**(Virginia False Advertising)**

100. Plaintiffs repeat and reallege each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

101. Defendants conduct advertising for Defendants' goods by publishing, disseminating, circulating, or placing before the public information that is untrue, deceptive, or misleading, and/or which uses other methods, devices, or practices which are fraudulent, deceptive or misleading, namely indicating that Ms. Ingraham invented or endorses, and that Ms.

Ingraham or Fox News are in any way affiliated with Defendants' skincare products, causing actual confusion in the marketplace in violation of VA Code § 18.2-216.

102. Defendants' advertisements, as described above, contain a false representation, which is untrue, deceptive, and misleading.

103. Defendants have caused such advertisements to be distributed via the Internet to consumers in Virginia.

104. Defendants' conduct has caused irreparable damage to Plaintiffs' business, reputation, and goodwill, and, unless said acts are enjoined by the Court, said acts will continue and Plaintiffs will continue to suffer great and irreparable injury for which monetary relief will not suffice.

**COUNT EIGHT:**  
**(Virginia Right of Publicity)**

105. Laura Ingraham repeats and realleges each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

106. Defendants have purposely used the name and picture of Ms. Ingraham on websites advertising Defendants' goods.

107. Defendants' use of the name and picture of Ms. Ingraham is for the purpose of trade in Defendants' goods.

108. Defendants' use of the name and picture of Ms. Ingraham is without the written consent of Ms. Ingraham.

109. Defendants' use of the name and picture of Ms. Ingraham is knowing, deliberate, and willful.

110. Defendants' conduct has caused damage to Ms. Ingraham's business, reputation, and goodwill, and, unless said acts are enjoined by the Court, said acts will continue and Ms.

Ingraham will continue to suffer great and irreparable injury for which monetary relief will not suffice.

**PRAYER FOR RELIEF**

WHEREFORE, Laura Ingraham and Fox News respectfully request of this Court:

1. That judgment be entered in favor of Plaintiffs on all counts.
2. That the Court preliminarily and permanently enjoin Defendants, their officers, directors, principals, agents, servants, employees, successors and assigns, and all those in active concert or participation with them, jointly and severally, from:
  - a. Copying, distributing, altering, displaying, hosting, selling and/or promoting the Fox News Works;
  - b. Using any copy or colorable imitation of the LAURA INGRAHAM Mark or FOX NEWS Marks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, printing, importation, production, circulation, or distribution of any product or service, in such fashion as to relate or connect such product in any way to Fox News and/or Laura Ingraham, or to any goods sold, manufactured, sponsored, approved by, or connected with Fox News or Laura Ingraham;
  - c. Using Facebook, Twitter, or other social media platforms to copy, distribute, alter, display, host, sell, and/or promote the LAURA INGRAHAM Mark or FOX NEWS Marks or the Fox News Works; and
  - d. Engaging in any other activity constituting unfair competition with Laura Ingraham or Fox News, or constituting an infringement of the LAURA INGRAHAM Mark or FOX NEWS Marks or the Fox News Works, or constituting any damage to Laura Ingraham's or Fox News' name, reputation, or goodwill.

3. That those in active concert or participation with Defendants and those with notice of the injunction, including without limitation any Internet search engines, web hosting and Internet service providers, domain name registrars, and domain name registries, cease facilitating access to any or all domain names and websites or accounts through which Defendants engage in unlawful access to, use, reproduction, and distribution of the LAURA INGRAHAM Mark or FOX NEWS Marks or Fox News Works;

4. That the domain name registries and registrars for the domain names associated with the First Infringing Website, the Second Infringing Website, and any other domain names or websites used by Defendants to copy, distribute, alter, display, host, sell, and/or promote the LAURA INGRAHAM Mark or FOX NEWS Marks or the Fox News Works, or their administrators, place the domain names on registryHold/serverHold or such other status to render the names/sites non-resolving;

5. That Defendants be required to pay Plaintiffs statutory damages pursuant to 15 U.S.C. § 1117(c) and 17 U.S.C. § 504(c);

6. That actual, compensatory and statutory damages, be awarded against Defendants;

7. That Defendants be required to disgorge all revenues earned from the operation of fraudulent websites containing counterfeit FOX NEWS Marks and/or Fox News Works;

8. That the Court order an award of costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1117(a), 17 U.S.C. § 505, or as otherwise permitted by law, incurred by Fox News and Ms. Ingraham in connection with this action;

9. That Ms. Ingraham or Fox News be awarded pre-judgment interest and post-judgment interest on the above damages awards; and



10. That the Court order an award to Ms. Ingraham or Fox News of such other and further relief as the Court may deem just and proper.

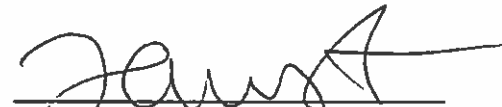
Dated: February 24, 2020


By: /s/ Attison L. Barnes, III /s/  
Attison L. Barnes, III (VA Bar No. 30458)  
David E. Weslow (for *pro hac vice*)  
Ari S. Meltzer (for *pro hac vice*)  
Spencer C. Brooks (for *pro hac vice*)  
WILEY REIN LLP  
1776 K St. NW  
Washington, DC 20006  
(202) 719-7000 (phone)  
abarnes@wiley.law

*Counsel for Plaintiffs  
Fox News Network, LLC,  
Fox Media LLC,  
and Laura Ingraham*

**VERIFICATION**

I, Lesley A. West, Vice President, Legal & Business Affairs, of Fox News Network, LLC, declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the facts contained in the foregoing Verified Complaint are true and correct.

  
\_\_\_\_\_  
Lesley A. West

  
\_\_\_\_\_  
Date